

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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MISHCON DE REYA NEW YORK LLP,	:
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Petitioner,	:
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v.	:
	:
GRAIL SEMICONDUCTOR, INC.,	:
	:
Respondent.	:
	:
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Civil Action No. 11-4971 (JMF)

~~[AMENDED PROPOSED]~~
ORDER APPOINTING RECEIVER
AND DIRECTING ASSIGNMENT OF
INTANGIBLE PROPERTY RIGHTS
PURSUANT TO CPLR § 5225

WHEREAS, on November 13, 2012, this Court granted the motion of
Petitioner/Judgment-Creditor Mishcon de Reya New York LLP ("Petitioner") for a Turnover
Order and appointment of a Receiver;

WHEREAS, this Court ordered that Petitioner submit on or before December 11, 2012
an amended proposed Order providing a proposed fee schedule for said Receiver;

WHEREAS, this Court ordered that Respondent Grail Semiconductor, Inc. may not
transfer, dispose of, assign, encumber, license, permit, or grant any liens upon, or allow anyone
to use, United States Patent No. 6,642,552 ("552 Patent") or the right, title, and interest that it
may currently have in the '552 Patent without permission from the Court;

WHEREAS, Petitioner submitted a letter to the Court on November 20, 2012, explaining
the basis for the proposed fee schedule, as well as providing the names, addresses, and telephone
numbers of three (3) individuals qualified and willing to act as the Receiver for the purpose of
selling the '552 Patent;

THEREFORE, it is hereby

ORDERED that Andrew Reibman is appointed at an hourly rate of \$ 695⁰⁰ to act as Receiver for the purpose of selling the '552 Patent and satisfying Mishcon's Judgment; and it is further

ORDERED that Grail is directed to take all necessary steps to turn over and assign all of its rights, title, and interest in the '552 Patent to the Receiver within ~~two (2)~~ three (3) business days from entry of this Order; and it is further

ORDERED that the Receiver is authorized to sell, transfer, and/or assign the '552 Patent and, within ~~seven (7)~~ ten (10) business days from entry of this Order, shall provide to the Court a schedule for the sale and assignment of the '552 patent, such sale to take place no later than sixty (60) days from entry of this Order, and that Mishcon as Judgment Creditor shall be permitted to credit bid to the full amount of its Judgment of \$2,111,000.00, together with interest from July 11, 2012, ("Judgment") and thus may become a purchaser; and it is further

ORDERED that the Receiver is authorized to execute any and all documents necessary to (i) effectuate sale, transfer, and/or assignment of all rights, title, and interest in the '552 Patent to the successful purchaser and (ii) recordation of such assignment with the United States Patent and Trademark Office; and it is further

ORDERED that proceeds from the sale, transfer, and/or assignment of the '552 Patent, after payment to the Receiver of necessary expenses and fees as allowed by the Court, shall be paid to Mishcon up to the amount of the Judgment plus interest at a rate of ~~9%~~ 0.20% as of July 11, 2012; and it is further

ORDERED that the Receiver or Mishcon may apply at any time to this Court, upon notice to all parties, for such further and other instructions and such further powers as may be

necessary to enable the Receiver to properly carry out the terms of this Order and fulfill the duties as Receiver; and it is further

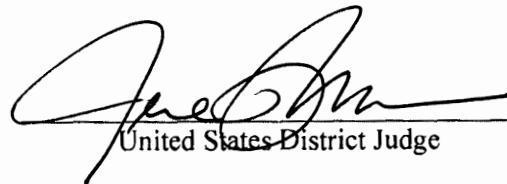
ORDERED that Grail is hereby enjoined from interfering in any manner with the Receiver in connection with fulfilling its duties and obligations under this Order; and it is further

ORDERED that pursuant to CPLR § 5234(c), to the extent applicable, Mishcon's priority interest in the '552 Patent will not expire within sixty (60) days.

Dated: New York, New York

~~November~~, 2012

December 3, 2012


United States District Judge

The parties shall promptly refile any documents on ECF for which they have received deficiency notices.